IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6435 of 2005

Between:

M/s. RMC Ready Mix (India) Pvt Ltd., (Formerly M/s. Flethcher Pioneer (India) Pvt Ltd.,
Unit 4A, Nacharam, Industrial Area, Hyderabad-500076,
rep. by its Authorized Signatory, Mr. Ganesh Ramakrishnan,

..... PETITIONER

AND

1 The Addl. Commissioner (CT) Legal A.P., Office of the Commissioner of Commercial Taxes,
M.J. Road, Hyderabad-500 001.
2 The Dy. Commissioner (CT), Saroornagar Division, IInd Floor, M-4 MCH Building,
M.J.Road, Hyderabad-500 001.
3 The Asst. Commissioner (CT) LTU, Saroornagar Circle, IIIrd Floor, M-4 Building, M.J.Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Certiorari or any other appropriate writ calling for the records of the 1st respondent in CC T ref No.L.III(3) 286/2005, dt. 23.3.2005 and quash the same as

arbitrary, contrary to law and against the weight of evidence and probabilities of the petitioners case and consequently grant stay of collection of balance disputed tax of Rs. 18,39,346/- for the assessment year 2001-2002 pending disposal of the appeal before the sales Tax Appellate Tribunal and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.V.PAVAN KUMAR

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following:

ORAL ORDER:- (PER GB,J.)

Heard the learned counsel for the petitioner and the learned Government Pleader for Commercial Tax.

2. In view of the facts and circumstances of the case, the Writ Petition is disposed of with the following direction:

3. There shall be stay of collection of disputed tax pending disposal of the appeal on condition the petitioner depositing 50% of the disputed tax before the concerned assessing authority within a period of four weeks and it is open that if the amount is not deposited as directed above, the stay shall stands vacated without any notice.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 25.03.2005

ES

Note:- Issue operative portion by wire

at party's costs.

(B/o.)

ES

To

1 The Addl. Commissioner (CT) Legal A.P., Office of the Commissioner of Commercial Taxes,
M.J. Road, Hyderabad-500 001.
2 The Deputy Commissioner (CT), Saroornagar Division, IInd Floor, M-4 MCH Building,
M.J.Road, Hyderabad-500 001.
3 The Asst. Commissioner (CT) LTU, Saroornagar Circle, IIIrd Floor, M-4 Building, M.J.Road, Hyderabad.

4 2 CCs to the G.P. for Commercial Tax, High Court of A.P., Hyderabad (OUT)

5 2 CD copies